

Atty. Docket No.: PG3416US2

REMARKS

Claims 1-36 are pending in this application. Claims 5-6, 8, 17-18, 20, 29-30, and 32 are cancelled herein without prejudice. Claims 1, 3-4, 7, 9-13, 15-16, 19, 21-25, 27-28, 31, and 33-36 are amended herein. Accordingly, claims 1-4, 7, 9-16, 19, 21-28, 31, and 33-36 are now before the Examiner for examination.

Claims 1, 13, and 25 are amended to correct typographical errors in the structure by replacing N with NH as noted. Such amendment is supported by Formula I, page 3, line 26 -28, and page 4, line 5.

Initially, Applicant's wish to thank the Examiner for her time and helpful suggestions in the Examiner's interview of August 19, 2003. Applicant's undersigned attorney and the Examiner discussed all claims in regard to the prior art and the outstanding rejections in the Office Action (Paper No. 4) mailed May 27, 2003. Agreement was reached on allowable claims as follows:

1. The Section 112 enablement rejection is overcome by cancelling claims 5-6, 8, 17-18, 20, 29-30, and 32 and rewriting Claims 3, 15, and 27 to limit their scope to breast, gastric, and head and neck cancers.

2. The Section 112 written description rejection is overcome by amending claims 7, 19, and 31 to recite gastric cancer in lieu of stomach cancer.

3. The obviousness type double patenting rejection over commonly owned U.S. Patent 6,391,874 ('874) is to be withdrawn as the Examiner and Applicants have agreed that none of the '874 claims render obvious the claims of the present application.

4. The provisional obviousness type double patenting rejection over commonly owned U.S. Patent Application 09/582,746 ('746) is to be obviated by the timely filing of a terminal disclaimer.



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Rejections Under 35 U.S.C. 112, 1st paragraph

The Office Action applies both enablement and written description rejections under 35 U.S.C. 112, 1st paragraph.

First, claims 3, 5-6, 8, 10-12, 15, 17-18, 20, 22-24, 27, 29, 30, 32, and 34-36 are rejected as lacking enablement as to the treatment of ovarian, pancreatic, and non-small cell lung cancers using the compounds of claims 1, 13, and 25. As agreed upon in the Examiner's Interview claims 5-6, 8, 17-18, 20, 29-30, and 32 are cancelled herein and claims 3, 15, and 27 are amended herein to limit their scope to breast, gastric, and head and neck cancers.

Second, claims 7, 19, and 31 are rejected as lacking written description regarding the term "stomach cancer". As agreed upon in the Examiner's Interview claims 3, 15, and 27 are rewritten to recite "gastric cancer" in lieu of "stomach cancer".

Accordingly, Applicants believe the rejections under Section 112, 1st paragraph are overcome by amendment. Applicants respectfully request the rejections be withdrawn.

Double Patenting Rejection Over U.S. 6,391,874

Claims 1-2, 10-14, and 22-24 are rejected under the judicially created doctrine of obviousness type double patenting over claims 1, 3, 8, 10, 12, 16, 24, 25, 28-29, and 31-32 of U.S. Patent No. 6,391,874 ('874).

Specifically, the Office Action asserts that while '874 does not disclose the three species claimed in the present application such species are contained within the scope of the subject claims of '874 and are therefore obvious. Applicants disagree and assert that the claimed invention is not obvious over the claims of '874.

Initially, Applicants note that the claimed species feature a quinazoline core which has an anilino head group that is characterized by a phenyl ring which is meta substituted by a chloro or bromo group and para substituted by a 3-fluorobenzyloxy and a methylsulfonyléthylaminomethyl tail linked to the quinazoline by a furanyl or thiazolyl group. The claims of '874 do not disclose or suggest the specific quinazoline combination represented by the claimed three species. Applicants and the Examiner reached

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agreement that the obviousness type double patenting rejection was improper and Applicants now request the rejection be withdrawn.

Double Patenting Rejection Over U.S. Patent Application 09/582,746

Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 52-53, 56, and 58-59 of U.S. Patent Application 09/582,746.

Accompanying this paper is a terminal disclaimer which complies with 37 C.F.R. 1.321(c) and disclaims the terminal portion of the term of a patent issued on the present application to the expiration date of a patent issued on 09/582,746.

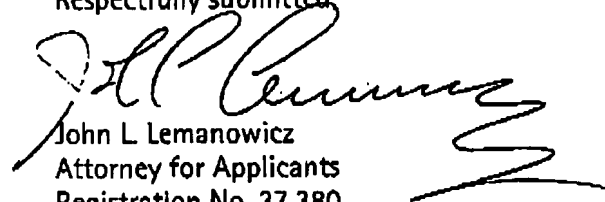
Applicants assert that the double patenting rejection over commonly owned U.S. Patent Application 09/582,746 ('746) is obviated by the filing of the subject terminal disclaimer and request that the rejection be withdrawn.

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CONCLUSION

The points and concerns of the Examiner having been addressed in full, Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. Should any issues remain unresolved in this application which would bar issuance, the Examiner is invited to contact the undersigned Attorney at (919) 483-8247, to discuss such issues. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,


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